



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Spent Lead Acid Batteries

LSA Document #09-365

www.idem.IN.gov

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Overview

Provides requirements for the management of temporarily stored spent lead acid batteries, including transportation and storage by retailers, wholesalers, storage facilities and reclamation facilities. Standards for temporary storage of partially reclaimed materials (intermittent storage) in a reclamation facility contained in the rule as preliminary adopted have been replaced. The rule now incorporates applicable federal regulations that include these standards. A permit may now be required for storage of partially reclaimed materials or off-site generated hazardous waste.

Citations Affected

Adds 329 IAC 3.1-11.1

Amends 329 IAC 3.1-11-2

Affected Persons

This rulemaking affects retailers, wholesalers, storage facilities, reclamation facilities, and transporters who temporarily store spent lead acid batteries, and reclamation facilities that temporarily store partially reclaimed materials.

Reason(s) for the Rule

This rulemaking would allow staging of spent lead acid batteries at reclamation facilities, provides management standards for temporary storage of spent lead acid batteries, and requires reclamation facilities to comply with applicable federal requirements, all to prevent release of contaminants into the environment.

Economic Impact of the Rule

Implementation of this rule will generally result in minimal fiscal impact on affected parties. However, reclamation facilities could be required to obtain a permit modification with an application cost of \$17,200. At the same time, the rulemaking may result in reduced cost through the allowance for staging for spent lead acid batteries at reclamation facilities, which would reduce double handling of spent lead acid batteries. The 14-day staging period would significantly reduce or eliminate the need for entities to construct additional or larger storage areas for incoming spent lead acid batteries. IDEM will not have to hire additional staff for compliance and enforcement purposes and will be able to utilize existing resources to administer the rule.

Benefits of the Rule

This rulemaking provides for management of temporarily stored spent lead acid batteries and partially reclaimed materials so as to prevent releases of contaminants into the environment. This rulemaking may result in some savings for entities through allowance for staging of spent lead acid batteries.

Description of the Rulemaking Project



The proposed rule would provide requirements for the management of temporarily stored spent lead acid batteries, including transportation and storage by retailers, wholesalers, storage facilities, and reclamation facilities, to prevent releases of contaminants into the environment.

Public Notices

First Notice of Comment Period: June 3, 2009, Indiana Register (DIN:20090603-IR-329090365FNA).

Second Notice of Comment Period: November 4, 2009, Indiana Register (DIN: 20091104-IR-329090365SNA).

Notice of Public Hearing: November 4, 2009, Indiana Register (DIN: 20091104-IR-329090365PHA).

Change in Notice of Public Hearing: February 23, 2011, Indiana Register (DIN: 20110223-IR-329090365CHA).

Proposed Rule: April 20, 2011, Indiana Register (DIN: 20110420-IR-329090365PRA).

Change in Notice of Public Hearing: June 27, 2012, Indiana Register (DIN: 20120627-IR-329090365CHA).

Change in Notice of Public Hearing: August 29, 2012, Indiana Register (DIN: 20120829-IR-329090365CHA).

Change in Notice of Public Hearing: September 19, 2012, Indiana Register (DIN: 20120919-IR-329090365CHA).

Scheduled Hearings

First Public Hearing: March 15, 2011, at 1:30 p.m., at the Indiana Government Center South, 302 West Washington Street, Conference Center Room A.

Second Public Hearing: July 17, 2012, at 1:30 p.m., at the Indiana Government Center South, 302 West Washington Street, Conference Center Rooms 1 & 2.

Third Public Hearing: November 20, 2012, at 1:30 p.m., at the Indiana Government Center South, 302 West Washington Street, Conference Center, Room A.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The new/amended rules are consistent with federal laws.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Solid Waste Management Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and

public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with Legislative Services.

Additional Information

Additional information regarding this rulemaking action can be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).